WEST VIRGINIA CODE: §16-7-5

§16-7-5. Regulations by state Bureau for Public Health as to milk and milk products.

The West Virginia Bureau for Public Health shall adopt regulations to provide clean and safe milk and fresh milk products and, when promulgated, these regulations shall be the minimum requirements to be enforced by local health authorities throughout the state: Provided, That except in any case where the milk or milk product involved creates, or appears to create, an imminent hazard to the public health, or in any case of a willful refusal to permit an authorized inspection, that any regulations promulgated by the Bureau for Public Health shall provide that prior to any suspension or revocation of a permit issued to any dairy farm, milk plant, receiving station, transfer station, and distribution station, the holder of such permit shall be served with a written notice to suspend or revoke such permit, which notice shall specify with particularity the violations in question and afford the holder reasonable opportunity to correct such violations: Provided, however, That the proposed order to deny, suspend, or revoke a permit may not be effective until notice in writing has been delivered to the holder of such permit who shall have 48 hours therefrom in which to make application to the county health officer for a hearing thereon. The county health officer shall, within 72 hours of receipt of such application, give a notice in writing to the holder of such permit setting forth the time and place of the hearing and proceed to a hearing to ascertain the facts of such violation and upon evidence presented at the hearing shall affirm, modify, or rescind the proposed order to suspend. A copy of the regulations shall be furnished to the Commissioner of Agriculture for his or her guidance in performing any duties with relation to milk and milk products imposed on him or her by law.

Effective July 1, 2019, the Bureau for Public Health may no longer adopt or enforce regulations to provide clean and safe milk and fresh milk products. Effective July 1, 2019, all authority to regulate milk and milk products shall be transferred to the Department of Agriculture.

WV Legislature